

By Johnson - Roubi Sutton H.B. No. 382

A BILL TO BE ENTITLED

AN ACT

relating to the licensing and regulation of speech pathologists and audiologists; providing penalties; and declaring an emergency.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

Section 1. PURPOSE. It is the policy of this state that, in order to safeguard the public health, safety, and welfare, and to protect the public from being misled by incompetent, unscrupulous, and unauthorized persons, and to protect the public from unprofessional conduct by qualified speech pathologists and audiologists, it is necessary to provide regulatory authority over persons offering speech pathology and audiology services to the public.

Sec. 2. DEFINITIONS. In this Act:

(1) "Committee" means the State Committee of Examiners for Speech Pathology and Audiology.

(2) "Person" means an individual, corporation, partnership, or other legal entity.

(3) (A) "Speech Pathologist" means an individual who practices speech pathology, who evaluates, examines, counsels, or provides habilitative or rehabilitative services for persons who have or are suspected of having speech, voice, or language disorders, and who meets the qualifications set forth in this Act.

(B) A person "represents himself to be a speech pathologist"

1 when he holds himself out to the public by a title or description
2 of services incorporating the words "speech pathology," "speech
3 pathologist," "speech therapy," "speech therapist," "speech
4 correction," "speech correctionist," "speech and hearing therapy,"
5 "speech and hearing therapist," "speech and hearing specialist,"
6 "speech and hearing clinician," "language therapy," "language
7 therapist," "voice pathology," "voice pathologist," "voice
8 therapy," "voice therapist," "logopedics," "logopedist,"
9 "communicology," "communicologist," "aphasiologist," "phoniatriest,"
10 "speech clinician," "speech clinic," "speech center," or similar
11 or related term or terms, titles, or description of services.

12 (4) "The practice of speech pathology" means the application
13 or principles, methods, and procedures for the measurement,
14 testing, evaluation, prediction, counseling, habilitation,
15 rehabilitation, or instruction related to the development and
16 disorders of speech, voice, or language for the purpose of
17 rendering or offering to render an evaluation, prevention, or
18 modification of these disorders and conditions in individuals or
19 groups of individuals.

20 (5) (a) "Audiologist" means a person who practices
21 audiology, who evaluates, examines, counsels, or provides
22 habilitative or rehabilitative services for persons who have or
23 are suspected of having a hearing disorder, and who meets the
24 qualifications set forth in this Act.

25 (b) A person "represents himself to be an audiologist"
26 when he holds himself out to the public by any title or description
27 of services incorporating the terms "audiology," "audiologist,"

1 "audiometry," "audiometrist," "otometry," "otometrist," "hearing
2 therapy," "hearing therapist," "hearing clinician," "hearing
3 clinic," "hearing center," "audiological," "audiometrics," or
4 similar or related terms, titles, or description of services.

5 (6) "The practice of audiology" means the application of
6 principles, methods, and procedures for the measurement, testing,
7 appraisal, prediction, consultation, counseling, habilitation,
8 rehabilitation, or instruction related to hearing and disorders
9 of hearing for the purpose of rendering or offering to render
10 services modifying communicative disorders involving speech,
11 language, auditory function, or other aberrant behavior relating
12 to hearing loss.

13 (7) "Speech pathology aide" means a person who meets minimum
14 qualifications which the committee may establish for speech
15 pathology aides and who works under the direction of a licensed
16 speech pathologist. The qualifications for licensure as a speech
17 pathology aide shall be uniform and shall be less than those
18 established by this Act as necessary for licensure as a speech
19 pathologist.

20 (8) "Audiology aide" means a person who meets minimum
21 qualifications which the committee may establish for audiology
22 aides and who works under the direction of a licensed audiologist.
23 The qualifications for licensure as an audiology aide shall be
24 uniform and shall be less than those established by this Act as
25 necessary for licensure as an audiologist.

26 Sec. 3. ADMINISTRATION. (a) The State Committee of
27 Examiners for Speech Pathology and Audiology is created. The

1 committee consists of nine members, appointed by the governor,
2 to take office on the effective date of this Act, who have been
3 residents of the State of Texas for two years immediately preceding
4 appointment. Seven members shall have been engaged in rendering
5 services, teaching, or research in speech pathology or audiology
6 for at least five years and shall meet the qualifications for
7 licensure under Section 10 of this Act. Of these seven members,
8 three members shall be audiologists, three members shall be speech
9 pathologists, and one shall be either a speech pathologist or
10 audiologist; and except for the initial appointees, all seven
11 shall hold valid licenses under this law. Two shall be public
12 members, one of whom is a licensed physician, board-certified in
13 otolaryngology, pediatrics, or neurology; the remaining public
14 member, an interested citizen, may not be a licensee of the
15 committee or of any board under this division. The members of
16 the committee shall serve until the expiration of the term to
17 which they have been appointed or until their successors are
18 qualified.

19 (b) The initial appointments shall be determined by lots
20 as follows: three members are appointed for a term which expires
21 January 31, 1977; three members are appointed for a term which
22 expires January 31, 1979, and three members are appointed for a
23 term which expires January 31, 1981. After the initial
24 appointments members are appointed for a term of six years,
25 expiring on January 31 of odd-numbered years.

26 (c) The committee shall organize annually and select a
27 chairman who, except for the initial chairman, shall hold a valid

1 license under this Act, a vice-chairman, and a secretary-treasurer.
2 The initial chairman shall be a person who meets the qualifications
3 for licensing under this Act.

4 (d) Five members of the committee constitute a quorum to
5 do business.

6 (e) No person may be appointed to serve more than two
7 consecutive terms.

8 (f) The committee shall hold at least one regular meeting
9 each year at which time an examination, as defined in Section 12
10 of this Act, shall be offered. Additional meetings may be held
11 on the call of the chairman or at the written request of any three
12 members of the committee. At least 14 days of advance notice of
13 committee meetings is required.

14 Sec. 4. DUTIES AND POWERS. (a) The committee shall
15 administer, coordinate, and enforce the provisions of this Act,
16 evaluate the qualifications of applicants, and supervise the
17 examination of applicants. The committee may issue subpoenas,
18 examine witnesses, and administer oaths under the state laws of
19 Texas; and it shall investigate persons engaging in practices
20 that violate the provisions of this Act.

21 (b) The committee shall conduct hearings and keep records
22 and minutes necessary to an orderly dispatch of the administration
23 of this Act.

24 (c) The committee shall adopt reasonable rules and
25 regulations commensurate with the provisions of this Act, including
26 regulations that establish ethical standards of practice.

27 (d) A person who holds a license to practice speech

1 pathology or audiology in this state is governed and controlled
2 by the rules and regulations adopted by the committee.

3 (e) The conferral or enumeration of specific powers
4 elsewhere in this Act does not limit the general powers conferred
5 by this section.

6 (f) The committee shall be represented by the attorney
7 general and the district and county attorneys of this state.

8 (g) Officers and employees directly responsible for handling
9 money paid to the committee shall execute a performance bond as
10 required by the committee. The premium for the bond shall be
11 paid from committee funds.

12 (h) The committee may appoint subcommittees to work under
13 its jurisdiction.

14 Sec. 5. COMPENSATION AND PAYMENT OF EXPENSES OF COMMITTEE.

15 (a) The committee members receive no compensation for their
16 services, but they may receive reimbursement for actual expenses
17 incurred in the administration of this Act.

18 (b) All expenses incurred by the committee in the
19 administration of the provisions of this Act shall be paid by
20 warrants drawn on the state treasury by the comptroller when
21 vouchers for expenses approved by the committee are submitted to
22 the comptroller.

23 Sec. 6. EMPLOYEES OF THE COMMITTEE. The committee may
24 employ, and at its pleasure discharge, secretaries, attorneys,
25 inspectors, clerks, and any other employees deemed necessary, and
26 shall outline their duties and fix their compensation.

27 Sec. 7. SEAL AND AUTHENTICATION OF RECORDS. The committee

1 shall adopt a seal by which it shall authenticate its proceedings.
2 Copies of the proceedings, records, and acts of the committee,
3 and certificates purporting to relate the facts concerning the
4 proceedings, records, and acts, signed by the secretary and
5 authenticated by the seal, are prima facie evidence in all courts
6 of this state.

7 Sec. 8. LICENSING AND REGULATION OF SPEECH PATHOLOGISTS
8 AND AUDIOLOGISTS. (a) Licenses shall be granted either in speech
9 pathology or audiology independently. A person may be licensed
10 in both areas if he meets the qualifications.

11 (b) No person may practice or represent himself as a speech
12 pathologist or audiologist in this state after December 31, 1975,
13 unless he is licensed in accordance with the provisions of this
14 Act.

15 Sec. 9. PERSONS AND PRACTICES NOT AFFECTED. (a) This Act
16 does not prevent a qualified person licensed in this state under
17 another law, from engaging in the profession for which he is
18 licensed, if he does not hold himself out to be a speech
19 pathologist or audiologist.

20 (b) This Act does not prevent or restrict the activities
21 and services and the use of an official title by a person holding
22 a valid and current certification in speech and hearing therapy
23 from the Texas Education Agency, if the person performs speech
24 pathology or audiology services solely as a part of his duties
25 within an agency, institution, or organization under the
26 jurisdiction of the Texas Education Agency. If a person affected
27 by this subsection performs work as a speech pathologist or

1 audiologist apart from his position within an agency, institution,
2 or organization of the Texas Education Agency, he must have a
3 license.

4 (c) This Act does not restrict the activities and services
5 of a student or intern pursuing a course of study leading to a
6 degree in speech pathology at a college or university accredited
7 by the Southern Association of Colleges and Universities or its
8 equivalent, provided that these activities and services constitute
9 a part of his supervised course of study or internship year, that
10 he is supervised by a person licensed under this Act, and that
11 he is designated by such title as "Speech Pathology Intern,"
12 "Speech Pathology Trainee," or other title clearly indicating the
13 training status appropriate to his level of training.

14 (d) This Act does not restrict activities and services of
15 a student or intern in audiology pursuing a course of study leading
16 to a degree in audiology at a college or university accredited
17 by the Southern Association of Colleges and Universities or its
18 equivalent, provided that these activities and services constitute
19 a part of his supervised course of study or internship year, that
20 he is supervised by a person licensed under this Act, and that
21 he is designated by such title as "Audiology Intern," "Audiology
22 Trainee," or other title clearly indicating the training status
23 appropriate to his level of training.

24 (e) This Act does not restrict the performance of speech
25 pathology or audiology services in this state by a person not a
26 resident of this state who is not licensed under this Act if the
27 services are performed for no more than five days in a calendar

1 year and if the person meets the qualifications and requirements
2 for application for licensure under this Act.

3 (f) This Act does not restrict the use of an official title
4 by an individual teaching in a university or college training
5 program, provided that the person is not engaged in the practice
6 of speech pathology or audiology and does not supervise persons
7 engaged in the practice of speech pathology or audiology.

8 (g) This Act does not permit a person to perform an act
9 that would be in violation of the Medical Practice Act of Texas,
10 Article 4510, Revised Civil Statutes of Texas, 1925, as amended.
11 This Act does not permit a person to provide medical or surgical
12 treatment of laryngeal or ear disorders.

13 (h) This Act does not prevent or restrict a physician or
14 surgeon from engaging in the practice of medicine in this state.
15 This Act does not restrict hearing testing conducted by licensed
16 physicians and surgeons or by persons conducting the tests under
17 the direct supervision of a physician or surgeon.

18 (i) This Act does not apply to a person employed by the
19 Texas State Department of Health in its programs concerned with
20 hearing or speech services, so long as he is performing duties
21 under the jurisdiction of the Texas State Department of Health.

22 (j) This Act does not apply to a person who shows evidence
23 of having received training by the Texas State Department of
24 Health in one of the hearing screening training programs conducted
25 by that agency, provided that all activities performed under this
26 exception shall be limited to pure tone air conduction screening
27 of hearing sensitivity.

1 Sec. 10. QUALIFICATIONS OF APPLICANTS FOR LICENSE. To be
2 eligible for licensing as a speech pathologist or audiologist,
3 an applicant must:

4 (1) be of good moral character;

5 (2) possess at least a master's degree from an accredited
6 or approved college or university;

7 (3) submit transcripts from one or more colleges or
8 universities showing that a total of 60 semester hours of academic
9 credit have been successfully completed and that the applicant
10 has obtained no less than the following:

11 (A) 12 semester hours in courses which provide information
12 that pertains to normal development and use of speech, language,
13 and hearing;

14 (B) 30 semester hours in courses that provide information
15 about and training in evaluation and management of speech,
16 language, and hearing disorders, at least 24 of which are in
17 courses in the professional area for which the license is
18 requested, and at least 6 semester hours in audiology for the
19 license in speech pathology or in speech pathology for the license
20 in audiology, and no more than 6 semester hours in courses that
21 provide credit for clinical practice obtained during academic
22 training;

23 (C) credit for study of information pertaining to related
24 fields that augment the work of the clinical practitioner of
25 speech pathology or audiology; and

26 (D) 30 semester hours in courses that are acceptable toward
27 a graduate degree by the college or university in which they are

1 taken, 21 of which are within the 24 semester hours required in
2 the professional area for which the license is requested;

3 (4) have completed a minimum of 300 clock hours of
4 supervised clinical experience with individuals who present a
5 variety of communication disorders, and this experience must have
6 been obtained within his training institution or in one of its
7 cooperating programs;

8 (5) have obtained the equivalent to nine months of full-time
9 supervised professional experience in which bona fide clinical
10 work has been accomplished in the major professional area for
11 which the license is being sought, under the supervision of a
12 qualified person acceptable to the committee, and must have begun
13 after completion of the academic and clinical experiences required
14 by this section.

15 Sec. 11. APPLICATION FOR LICENSE. Each person desiring
16 a license under this Act shall make application to the committee
17 on a form and in the manner the committee prescribes. The
18 application shall be accompanied by the application fee, which
19 may not be refunded by the committee.

20 Sec. 12. EXAMINATION. (a) Each applicant shall be examined
21 by the committee and shall pay to the committee, at least 30 days
22 prior to the date of examination, an examination fee prescribed
23 by the committee, which is not refunded. The examination shall
24 be given at least twice each year at a time and place established
25 by and under the supervision of the committee.

26 (b) The committee may examine by written or oral examination
27 or by both. The committee shall maintain a record of all

1 examination scores for at least two years after the date of
2 examination.

3 (c) Standards for acceptable performance shall be determined
4 by the committee.

5 (d) The committee may examine in whatever theoretical or
6 applied fields in speech pathology or audiology it deems
7 appropriate. It may examine the candidate with regard to his
8 professional skills and his judgment in the utilization of speech
9 pathology or audiology techniques or methods.

10 (e) A person who fails the examination may be examined at
11 a subsequent time if he pays another application and examination
12 fee. No applicant who has taken and failed to pass two
13 examinations may take the examination until he has presented
14 evidence to the committee of additional study in the area for
15 which licensure is sought.

16 (f) The committee may waive the examination for applicants
17 who:

18 (1) present proof of current licensure in another state,
19 including the District of Columbia, or territory of the United
20 States which maintains professional standards considered by the
21 committee to be equivalent to those set forth in this Act; or

22 (2) hold the Certificate of Clinical Competence of the
23 American Speech and Hearing Association in the area for which a
24 license is being sought.

25 Sec. 13. LICENSING UNDER SPECIAL CONDITIONS. (a) The
26 committee, on request, shall waive educational, professional
27 experience, and examination requirements for licensure in speech

1 pathology for applicants who, within one year prior to the
2 effective date of this Act, hold a baccalaureate or graduate
3 degree with a minimum of 27 credit hours of course work in speech
4 pathology and are engaged in the practice of speech pathology on
5 proof of bona fide practice of speech pathology, presented to the
6 committee in the manner prescribed by the committee's regulations,
7 providing they file an application for licensure within 90 days
8 from the date of the first meeting of the committee. For a person
9 licensed under this subsection, renewal will be granted only if
10 he:

11 (1) has passed an examination, as described in Section 12
12 of this Act, prior to the date on which the initial license is
13 due for renewal, or

14 (2) has indicated to the committee, within one year of
15 initial application and in a manner prescribed by the committee,
16 his intent to complete requirements under Section 10 of this Act
17 within five years from initial application.

18 A person licensed under this subsection must have completed
19 requirements under Section 10 of this Act to renew the license
20 subsequent to the fifth anniversary of its issuance.

21 (b) The committee may waive the examination and grant
22 licensure to an applicant who presents proof of current licensure
23 in another state, including the District of Columbia, or territory
24 of the United States which maintains professional standards
25 considered by the committee to be equivalent to those set forth
26 in this Act.

27 (c) The committee may waive the examination and grant

1 licensure to an applicant who holds the Certificate of Clinical
2 Competence of the American Speech and Hearing Association in the
3 area for which a license is sought.

4 Sec. 14. ISSUANCE OF LICENSE. (a) The committee shall
5 issue a license to an applicant who meets the requirements of
6 this Act and who pays to the committee the initial license fee.

7 (b) A temporary certificate of registration may be applied
8 for by a person who fulfills the requirements of Section 10 of
9 this Act and who has not previously applied to take the examination
10 provided under Section 12 of this Act.

11 (c) On receiving an application provided under Subsection
12 (b) of this section accompanied by the application fee, the
13 committee shall issue a temporary certificate of registration
14 which entitles the applicant to practice audiology or speech
15 pathology for a period ending eight weeks after the conclusion
16 of the next examination given after the date of issue.

17 Sec. 15. RENEWAL OF LICENSE. (a) Each licensed speech
18 pathologist or audiologist shall annually on or before January
19 30 pay to the committee a fee for a renewal of his license. A
20 30-day grace period shall be allowed after January 30. After
21 expiration of the grace period, the committee may renew each
22 license after payment of a penalty set by the committee. No
23 person who applies for renewal within two years after the date
24 of expiration of the license, may be required to submit to an
25 examination as a condition to renewal.

26 (b) A person who fails to renew his license within two
27 years after the date of its expiration may not renew it, and it

1 may not be restored, reissued, or reinstated thereafter, but that
2 person may apply for and obtain a new license if he meets the
3 requirements of this Act.

4 (c) A person licensed under Subsection (a), Section 13 of
5 this Act, may renew a license if he passes an examination, as
6 provided by Section 12 of this Act within one year of the date
7 of initial application, or if he declares, within one year of the
8 initial application in a manner prescribed by the committee, his
9 intent to complete requirements of Section 10 of this Act within
10 five years of the date of initial application for licensure.
11 After five years from the date of initial application, a license
12 may be renewed only if the applicant has completed requirements
13 in Section 10 of this Act.

14 (d) Within three years of the effective date of this Act,
15 renewal of a license is contingent on the applicant meeting uniform
16 continuing education requirements established by the committee.
17 Notice of continuing education requirements shall be sent to all
18 persons licensed under this Act at least 12 months prior to the
19 time that the person's license renewal is dependent on completion
20 of the requirements. Continuing education requirements shall be
21 sent to new applicants with the forms on which they are to apply
22 for licensure. Notification of changes in continuing education
23 requirements shall be sent to persons licensed under this Act at
24 least one year prior to the date on which the new requirements
25 become effective.

26 (e) A suspended license is subject to expiration and may
27 be renewed as provided in this Act, but the renewal does not

1 entitle the licensee, while the license remains suspended and
2 until it is reinstated, to engage in the licensed activity, or
3 in any other activity or conduct in violation of the order or
4 judgment by which the license was suspended. A license revoked
5 on disciplinary grounds is subject to expiration as provided in
6 this Act, but it may not be renewed. If it is reinstated after
7 its expiration, the licensee, as a condition of reinstatement,
8 shall pay a reinstatement fee in an amount equal to the renewal
9 fee in effect on the last preceding regular renewal date before
10 the date on which it is reinstated, plus the delinquency fee, if
11 any, accrued at the time of the license revocation.

12 (e) All licenses expire and become invalid one year from
13 the date of issuance if not renewed.

14 Sec. 16. FEES. The amount of fees initially prescribed
15 in connection with a license as a speech pathologist or audiologist
16 shall not exceed the following:

- 17 (1) Application fee: \$50
- 18 (2) Examination fee: \$25
- 19 (3) Initial license fee: \$50
- 20 (4) License renewal fee: \$50
- 21 (5) Delinquency fee: \$25
- 22 (6) Temporary license fee: \$15
- 23 (7) Duplicate license fee: \$10

24 The committee shall adjust the amount of the fees so that the
25 total fees collected will be sufficient to meet the expenses of
26 administering this Act and so that unnecessary surpluses in the
27 fund provided for in Section 20 of this Act are avoided.

1 Sec. 17. DENIAL, SUSPENSION, AND REVOCATION. (a) The
2 committee may refuse to issue a license to an applicant or may
3 suspend or revoke the license of any licensee for any of the
4 following causes:

5 (1) obtaining a license by means of fraud,
6 misrepresentation, or concealment of material facts;

7 (2) selling, bartering, or offering to sell or barter a
8 license or certificate of registration;

9 (3) unprofessional conduct that has endangered or is likely
10 to endanger the health, welfare, or safety of the public, as
11 defined by the rules established by the committee, or violation
12 of the code of ethics adopted and published by the committee;

13 (4) violating any lawful order, rule, or regulation rendered
14 or adopted by the committee; or

15 (5) violating any provisions of this Act.

16 (b) The committee shall deny an application for, or suspend
17 or revoke, or impose probationary conditions on, a license as
18 ordered by the committee in any decision made after hearing as
19 provided in this Act. One year from the date of revocation of
20 a license under this Act, application may be made to the committee
21 for reinstatement. The committee shall have discretion to accept
22 or reject an application for reinstatement and may require an
23 examination for the reinstatement.

24 (c) A plea or verdict of guilty or a conviction following
25 a plea of nolo contendere made to a charge of a felony or of an
26 offense involving moral turpitude is deemed to be a conviction
27 within the meaning of this Act. At the direction of the committee,

1 the license may be suspended or revoked, or the committee may
2 decline to issue a license when the time for appeal of the
3 conviction has elapsed, or the judgment or conviction has been
4 affirmed on appeal, or when an order granting probation is made
5 suspending the imposition of sentence irrespective of a subsequent
6 order allowing a person to withdraw his plea of guilty, or setting
7 aside the verdict of guilty, or dismissing the information or
8 indictment.

9 Sec. 18. PENALTIES. (a) A person who violates any of the
10 provisions of this Act is guilty of a misdemeanor and on conviction
11 may be punished by confinement in the county jail not exceeding
12 six months, or by a fine not exceeding \$1,000, or both.

13 (b) If a person other than a licensed speech pathologist
14 or audiologist has engaged in any act or practice which constitutes
15 an offense under this Act, a district court of any county, on
16 application of the committee, may issue an injunction or other
17 appropriate order restraining such conduct.

18 Sec. 19. PROCEDURES FOR DENIAL, REVOCATION, OR SUSPENSION
19 OF A LICENSE. (a) A person whose application for a license is
20 denied is entitled to a hearing before the committee if he submits
21 a written request to the committee.

22 (b) Proceedings for revocation or suspension of a license
23 shall be commenced by filing charges with the committee in writing
24 and under oath. The charges may be made by any person or persons.

25 (c) The chairman of the committee shall fix a time and
26 place for a hearing and shall cause a written copy of the charges
27 or reason for denial of a license, together with a notice of the

1 time and place fixed for the hearing, to be served on the applicant
2 requesting the hearing or the licensee against whom the charges
3 have been filed at least 20 days prior to the date set for the
4 hearing. Service of charges and notice of hearing may be given
5 by certified mail to the last known address of the licensee or
6 applicant.

7 (d) At the hearing the applicant or licensee has the right
8 to appear either personally or by counsel, or both, to produce
9 witnesses, to have subpoenas issued by the committee, and to
10 cross-examine opposing or adverse witnesses.

11 (e) The committee is not bound by strict rules of procedure
12 or by the laws of evidence in the conduct of the proceedings but
13 the determination shall be founded on sufficient legal evidence
14 to sustain it.

15 (f) The committee shall determine the charges on their
16 merits and enter an order in a permanent record setting forth the
17 findings of fact and law and the action taken. A copy of the
18 order of the committee shall be mailed to the applicant or licensee
19 at his last known address by certified mail.

20 (g) An individual whose application for a license has been
21 refused or whose license has been cancelled, revoked, or suspended
22 by the committee may take an appeal, within 20 days after the
23 order is entered, to any district court of Travis County or to
24 any district court of the county of his residence.

25 (h) A case reviewed under the provisions of this section
26 proceeds in the district court by the rule of substantial evidence.

27 Sec. 20. DISPOSITION OF FUNDS RECEIVED. (a) All funds

1 received by the committee under this Act shall be paid to the
2 secretary-treasurer of the committee. All money shall be deposited
3 in the state treasury in a separate fund to be known as the speech
4 pathology and audiology fund.

5 (b) All expenses for the administration of the Act shall
6 be paid from fees collected by the committee under this Act and
7 fees paid to the speech pathology and audiology fund are allocated
8 to the committee for that purpose.

9 (c) Funds shall be appropriated to the committee for the
10 implementation of this Act, said funds coming from general state
11 funds for the first year.

12 Sec. 21. REVENUE. The committee shall report to the state
13 comptroller at the beginning of each month the amount and source
14 of all revenue received by it during the preceding month pursuant
15 to this Act, and at the time shall pay the entire amount thereof
16 into the speech pathology and audiology fund.

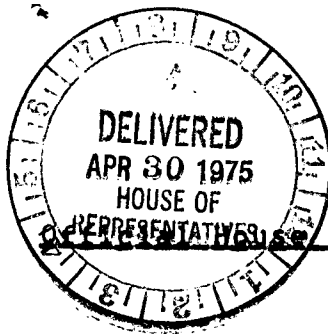
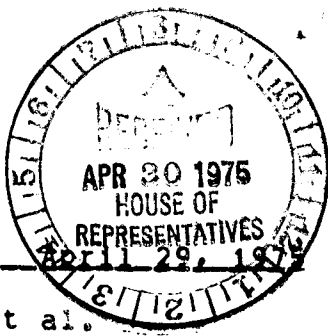
17 Sec. 22. EXEMPTIONS FROM THE BASIC SCIENCE LAW. The
18 provisions of Chapter 95, Acts of the 51st Legislature, Regular
19 Session, 1949, as amended (Article 4590c, Vernon's Texas Civil
20 Statutes), do not apply to audiologist or speech pathologists
21 duly qualified and licensed under this Act who confine their
22 activity to the areas specified in this Act.

23 Sec. 23. EFFECTIVE DATE. This Act is effective September
24 1, 1975.

25 Sec. 24. EMERGENCY. The importance of this legislation
26 and the crowded condition of the calendars in both houses create
27 an emergency and an imperative public necessity that the

1 constitutional rule requiring bills to be read on three several
2 days in each house be suspended, and this rule is hereby suspended.

SECOND PRINTING



~~General House Printing, 64th Leg.~~

By: Johnson, et al.

H.B. No. 382

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(FISCAL NOTE ATTACHED)

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(REFER TO FIRST PRINTING FOR ORIGINAL TEXT THEREOF)

COMMITTEE AMENDMENT NO. 1

Amend H.B. No. 382 by striking all below the enacting clause and substituting in lieu thereof the following:

Section 1. PURPOSE. It is the policy of this state that, in order to safeguard the public health, safety, and welfare, and to protect the public from unprofessional conduct by qualified speech pathologists and audiologists, it is necessary to provide regulatory authority over persons offering speech pathology and audiology services to the public.

Sec. 2. DEFINITIONS. In this Act:

(1) "Committee" means the State Committee of Examiners for Speech Pathology and Audiology.

(2) "Person" means an individual, corporation, partnership, or other legal entity.

1 (3) (A) "Speech Pathologist" means an individual who
2 practices speech pathology, who evaluates, examines, counsels,
3 or provides habilitative or rehabilitative services for persons
4 who have or are suspected of having speech, voice, or language
5 disorders, and who meets the qualifications set forth in this
6 Act.

7 (B) A person "represents himself to be a speech pathologist"
8 when he holds himself out to the public by a title or description
9 of services incorporating the words "speech pathology," "speech
10 pathologist," "speech therapy," "speech therapist," "speech
11 correction," "speech correctionist," "speech and hearing therapy,"
12 "speech and hearing therapist," "speech and hearing specialist,"
13 "speech and hearing clinician," "language therapy," "language
14 therapist," "voice pathology," "voice pathologist," "voice
15 therapy," "voice therapist," "logopedics," "logopedist,"
16 "communicology," "communicologist," "aphasiologist," "phoniatriest,"
17 "speech clinician," "speech clinic," "speech center," or similar
18 or related term or terms, titles, or description of services.

19 (4) "The practice of speech pathology" means the application
20 of principles, methods, and procedures for the measurement,
21 testing, evaluation, prediction, counseling, habilitation,
22 rehabilitation, or instruction related to the development and
23 disorders of speech, voice, or language for the purpose of
24 rendering or offering to render an evaluation, prevention, or
25 modification of these disorders and conditions in individuals or
26 groups of individuals. The speech pathologist may perform the
27 basic audiometric screening tests and hearing therapy procedures
28 consistent with his training.

29 (5) (a) "Audiologist" means a person who practices
30 audiology, who evaluates, examines, counsels, or provides
31 habilitative or rehabilitative services for persons who have or
32 are suspected of having a hearing disorder, and who meets the
33 qualifications set forth in this Act.

1 (b) A person "represents himself to be an audiologist"
2 when he holds himself out to the public by any title or description
3 of services incorporating the terms "audiology," "audiologist,"
4 "audiometry," "audiometrist," "otometry," "otometrist," "hearing
5 therapy," "hearing therapist," "hearing clinician," "hearing
6 clinic," "hearing center," "audiological," "audiometrics," or
7 similar or related terms, titles, or description of services.

8 (6) "The practice of audiology" means the application of
9 principles, methods, and procedures for the measurement, testing,
10 appraisal, prediction, consultation, counseling, habilitation,
11 rehabilitation, or instruction related to hearing and disorders
12 of hearing for the purpose of rendering or offering to render
13 services modifying communicative disorders involving speech,
14 language, auditory function, or other aberrant behavior relating
15 to hearing loss. An audiologist may participate in consultation
16 regarding noise control and hearing conservation, may prepare ear
17 impressions, fit hearing aids, train individuals in the use of
18 amplification, including hearing aids, provide evaluations of
19 environment or equipment, including calibration of equipment used
20 in testing auditory functioning and hearing conservation, and may
21 perform the basic speech and language screening tests and
22 procedures consistent with his training.

23 (7) "Speech pathology aide" means a person who meets minimum
24 qualifications which the committee may establish for speech
25 pathology aides and who works under the direction of a licensed
26 speech pathologist. The qualifications for licensure as a speech
27 pathology aide shall be uniform and shall be less than those
28 established by this Act as necessary for licensure as a speech
29 pathologist.

30 (8) "Audiology aide" means a person who meets minimum
31 qualifications which the committee may establish for audiology
32 aides and who works under the direction of a licensed audiologist.
33 The qualifications for licensure as an audiology aide shall be

1 uniform and shall be less than those established by this Act as
2 necessary for licensure as an audiologist.

3 Sec. 3. ADMINISTRATION. (a) The State Committee of
4 Examiners for Speech Pathology and Audiology is created within
5 the State Department of Health. The committee consists of nine
6 members, appointed by the governor, to take office on the effective
7 date of this Act, who have been residents of the State of Texas
8 for two years immediately preceding appointment. Seven members
9 shall have been engaged in rendering services, teaching, or
10 research in speech pathology or audiology for at least five years
11 and shall meet the qualifications for licensure under Section 10
12 of this Act. Of these seven members, three members shall be
13 audiologists, three members shall be speech pathologists, and one
14 shall be either a speech pathologist or audiologist; and except
15 for the initial appointees, all seven shall hold valid licenses
16 under this law. Two shall be public members, one of whom is a
17 licensed physician, board-certified in otolaryngology, pediatrics,
18 or neurology; the remaining public member, an interested citizen,
19 may not be a licensee of the committee or of any board under
20 this division. The members of the committee shall serve until
21 the expiration of the term to which they have been appointed or
22 until their successors are qualified.

23 (b) The initial appointments shall be determined by lots
24 as follows: three members are appointed for a term which expires
25 January 31, 1977; three members are appointed for a term which
26 expires January 31, 1979, and three members are appointed for a
27 term which expires January 31, 1981. After the initial
28 appointments members are appointed for a term of six years,
29 expiring on January 31 of odd-numbered years.

30 (c) The committee shall organize annually and select a
31 chairman who, except for the initial chairman, shall hold a valid
32 license under this Act, a vice-chairman, and a secretary-treasurer.
33 The initial chairman shall be a person who meets the qualifications

for licensing under this Act.

(d) Five members of the committee constitute a quorum to do business.

(e) No person may be appointed to serve more than two consecutive terms.

(f) The committee shall hold at least one regular meeting each year at which time an examination, as defined in Section 12 of this Act, shall be offered. Additional meetings may be held on the call of the chairman or at the written request of any three members of the committee. At least 14 days of advance notice of committee meetings is required.

Sec. 4. DUTIES AND POWERS. (a) Subject to the approval of the Commissioner of Health, the committee shall administer, coordinate, and enforce the provisions of this Act, evaluate the qualifications of applicants, and supervise the examination of applicants. The committee may issue subpoenas, examine witnesses, and administer oaths under the state laws of Texas; and it shall investigate persons engaging in practices that violate the provisions of this Act.

(b) The committee shall conduct hearings and keep records and minutes necessary to an orderly dispatch of the administration of this Act.

(c) The committee shall adopt reasonable rules and regulations commensurate with the provisions of this Act, including regulations that establish ethical standards of practice.

(d) A person who holds a license to practice speech pathology or audiology in this state is governed and controlled by the rules and regulations adopted by the committee.

(e) The conferral or enumeration of specific powers elsewhere in this Act does not limit the general powers conferred by this section.

(f) The committee shall be represented by the attorney general and the district and county attorneys of this state.

(g) Officers and employees directly responsible for handling money paid to the committee shall execute a performance bond as required by the committee. The premium for the bond shall be paid from committee funds.

(h) The committee may appoint subcommittees to work under its jurisdiction.

Sec. 5. COMPENSATION AND PAYMENT OF EXPENSES OF COMMITTEE.

(a) The committee members receive no compensation for their services, but they may receive reimbursement for actual expenses incurred in the administration of this Act.

(b) All expenses incurred by the committee in the administration of the provisions of this Act shall be paid by warrants drawn on the state treasury by the comptroller when vouchers for expenses approved by the committee are submitted to the comptroller.

Sec. 6. EMPLOYEES OF THE COMMITTEE. The State Department of Health shall provide such administrative and clerical support as is necessary to carry out the provisions of this Act.

Sec. 7. SEAL AND AUTHENTICATION OF RECORDS. The committee shall adopt a seal by which it shall authenticate its proceedings. Copies of the proceedings, records, and acts of the committee, and certificates purporting to relate the facts concerning the proceedings, records, and acts, signed by the secretary and authenticated by the seal, are prima facie evidence in all courts of this state.

Sec. 8. LICENSING AND REGULATION OF SPEECH PATHOLOGISTS AND AUDIOLOGISTS. (a) Licenses shall be granted either in speech pathology or audiology independently. A person may be licensed in both areas if he meets the qualifications.

(b) No person may practice or represent himself as a speech pathologist or audiologist in this state after December 31, 1975, unless he is licensed in accordance with the provisions of this Act. All persons licensed hereunder have the right to and may

engage in private practice.

Sec. 9. PERSONS AND PRACTICES NOT AFFECTED. (a) This Act does not prevent a qualified person licensed in this state under another law, from engaging in the profession for which he is licensed, if he does not hold himself out to be a speech pathologist or audiologist.

(b) This Act does not prevent or restrict the activities and services and the use of an official title by a person holding a valid and current certification in speech and hearing therapy from the Texas Education Agency, if the person performs speech pathology or audiology services as a part of his duties within an agency, institution, or organization under the jurisdiction of the Texas Education Agency.

(c) This Act does not restrict the activities and services of a student or intern pursuing a course of study leading to a degree in speech pathology at a college or university accredited by the Southern Association of Colleges and Universities or its equivalent, provided that these activities and services constitute a part of his supervised course of study or internship year, that he is supervised by a person licensed under this Act, and that he is designated by such title as "Speech Pathology Intern," "Speech Pathology Trainee," or other title clearly indicating the training status appropriate to his level of training.

(d) This Act does not restrict activities and services of a student or intern in audiology pursuing a course of study leading to a degree in audiology at a college or university accredited by the Southern Association of Colleges and Universities or its equivalent, provided that these activities and services constitute a part of his supervised course of study or internship year, that he is supervised by a person licensed under this Act, and that he is designated by such title as "Audiology Intern," "Audiology Trainee," or other title clearly indicating the training status appropriate to his level of training.

1 (e) This Act does not restrict the performance of speech
2 pathology or audiology services in this state by a person not a
3 resident of this state who is not licensed under this Act if the
4 services are performed for no more than five days in a calendar
5 year and if the person meets the qualifications and requirements
6 for application for licensure under this Act.

7 (f) This Act does not restrict the use of an official title
8 by an individual teaching in a university or college training
9 program, provided that the person is not engaged in the practice
10 of speech pathology or audiology and does not supervise persons
11 engaged in the practice of speech pathology or audiology.

12 (g) This Act does not permit a person to perform an act
13 that would be in violation of the Medical Practice Act of Texas,
14 Article 4510, Revised Civil Statutes of Texas, 1925, as amended.
15 This Act does not permit a person to provide medical or surgical
16 diagnosis or treatment of laryngeal or ear disorders.

17 (h) This Act does not prevent or restrict a physician or
18 surgeon from engaging in the practice of medicine in this state.
19 This Act does not restrict speech or hearing testing or evaluation
20 conducted by licensed physicians and surgeons or by persons
21 conducting the tests under the direct supervision of and in the
22 office of a physician or surgeon.

23 (i) This Act does not apply to a person employed by the
24 Texas State Department of Health in its programs concerned with
25 hearing or speech services, so long as he is performing duties
26 under the jurisdiction of the Texas State Department of Health.

27 (j) This Act does not apply to a person who shows evidence
28 of having received training by the Texas State Department of
29 Health in one of the hearing screening training programs conducted
30 by that agency, provided that all activities performed under this
31 exception shall be limited to screening of hearing sensitivity.

32 (k) This Act does not license a person to sell hearing
33 aids, as defined in Chapter 366, Acts of the 61st Legislature,

1 1969, as amended (Article 4566, Vernon's Annotated Civil Statutes
2 of Texas) unless the person has been issued a license to engage
3 in the selling of hearing aids by the Texas Board of Examiners
4 in the Fitting and Dispensing of Hearing Aids.

5 (1) This Act does not prevent or restrict a person licensed
6 by the Texas Board of Examiners in the Fitting and Dispensing of
7 Hearing Aids, from engaging in the practice of fitting and
8 dispensing hearing aids, as defined in Chapter 366, Acts of the
9 61st Legislature, 1969, as amended (Article 4566, Vernon's
10 Annotated Civil Statutes of Texas).

11 Sec. 10. QUALIFICATIONS OF APPLICANTS FOR LICENSE.

12 (a) To be eligible for licensing as a speech pathologist
13 or audiologist, an applicant must:

14 (1) be of good moral character;

15 (2) possess at least a master's degree from an accredited
16 or approved college or university;

17 (3) submit transcripts from one or more colleges or
18 universities showing that a total of 60 semester hours of academic
19 credit have been successfully completed and that the applicant
20 has obtained no less than the following:

21 (A) 12 semester hours in courses which provide information
22 that pertains to normal development and use of speech, language,
23 and hearing;

24 (B) 30 semester hours in courses that provide information
25 about and training in evaluation and management of speech,
26 language, and hearing disorders, at least 24 of which are in
27 courses in the professional area for which the license is
28 requested, and at least 6 semester hours in audiology for the
29 license in speech pathology or in speech pathology for the license
30 in audiology, and no more than 6 semester hours in courses that
31 provide credit for clinical practice obtained during academic
32 training;

33 (C) credit for study of information pertaining to related

1 fields that augment the work of the clinical practitioner of
2 speech pathology or audiology sufficient to bring the applicant's
3 total credit up to 60 hours and

4 (D) 30 semester hours in courses that are acceptable toward
5 a graduate degree by the college or university in which they are
6 taken, 21 of which are within the 24 semester hours required in
7 the professional area for which the license is requested or within
8 the six semester hours required in the other professional area
9 regulated by this Act;

10 (4) have completed a minimum of 300 clock hours of
11 supervised clinical experience with individuals who present a
12 variety of communication disorders, and this experience must have
13 been obtained within his training institution or in one of its
14 cooperating programs;

15 (5) have obtained the equivalent to nine months of full-time
16 supervised professional experience in which bona fide clinical
17 work has been accomplished in the major professional area for
18 which the license is being sought, under the supervision of a
19 qualified person acceptable to the committee, and must have begun
20 after completion of the academic and clinical experiences required
21 by this section.

22 (b) The committee may make reasonable changes in the
23 qualifications required for applicants. A change made by the
24 committee pursuant to the authority of this subsection is not
25 effective until it has been published by the committee as a
26 proposed change for at least two years.

27 Sec. 11. APPLICATION FOR LICENSE. Each person desiring
28 a license under this Act shall make application to the committee
29 on a form and in the manner the committee prescribes. The
30 application shall be accompanied by the application fee, which
31 may not be refunded by the committee.

32 Sec. 12. EXAMINATION. (a) Each applicant shall be examined
33 by the committee and shall pay to the committee, at least 30 days

1 prior to the date of examination, an examination fee prescribed
2 by the committee, which is not refunded. The examination shall
3 be given at least twice each year at a time and place established
4 by and under the supervision of the committee.

5 (b) The committee may examine by written or oral examination
6 or by both. The committee shall maintain a record of all
7 examination scores for at least two years after the date of
8 examination.

9 (c) Standards for acceptable performance shall be determined
10 by the committee.

11 (d) The committee may examine in whatever theoretical or
12 applied fields in speech pathology or audiology it deems
13 appropriate. It may examine the candidate with regard to his
14 professional skills and his judgment in the utilization of speech
15 pathology or audiology techniques or methods.

16 (e) A person who fails the examination may be examined at
17 a subsequent time if he pays another application and examination
18 fee. No applicant who has taken and failed to pass two
19 examinations may take the examination until that person has
20 presented evidence to the committee of additional study in the
21 area for which licensure is sought.

22 (f) The committee may waive the examination for applicants
23 who:

24 (1) present proof of current licensure in another state,
25 including the District of Columbia, or territory of the United
26 States which maintains professional standards considered by the
27 committee to be equivalent to those set forth in this Act; or

28 (2) hold the Certificate of Clinical Competence of the
29 American Speech and Hearing Association in the area for which a
30 license is being sought.

31 Sec. 13. LICENSING UNDER SPECIAL CONDITIONS. (a) The
32 committee, on request, shall waive educational, professional
33 experience, and examination requirements for licensure in speech

1 pathology for applicants who hold a baccalaureate or graduate
2 degree, are fully certified by the Texas Education Agency in
3 speech and hearing therapy or in the judgment of the committee
4 have met equivalent requirements, and within one year prior to
5 the effective date of this Act were engaged in the practice of
6 speech pathology on proof of bona fide practice of speech
7 pathology, presented to the committee in the manner prescribed
8 by the committee's regulations, providing they file an application
9 for licensure within 90 days from the effective date of this Act.
10 Such licenses shall be renewed in the same manner as licenses
11 granted under other provisions of this Act.

12 (b) The committee, on request, shall waive educational,
13 professional experience, and examination requirements for licensure
14 in audiology for applicants who, on the effective date of this
15 Act, hold a baccalaureate or graduate degree and have successfully
16 completed 21 credit hours of course work in audiology, and are
17 engaged in the practice of audiology on proof of bona fide practice
18 of audiology presented to the committee in the manner prescribed
19 by the committee's regulations, providing they file an application
20 for licensure within 90 days from the effective date of this Act.

21 (c) The committee may waive the examination and grant
22 licensure to an applicant who presents proof of current licensure
23 in another state, including the District of Columbia, or territory
24 of the United States which maintains professional standards
25 considered by the committee to be equivalent to those set forth
26 in this Act.

27 (d) The committee may waive the examination and grant
28 licensure to an applicant who holds the Certificate of Clinical
29 Competence of the American Speech and Hearing Association or has
30 met equivalent requirements in the area for which a license is
31 sought.

32 Sec. 14. ISSUANCE OF LICENSE. (a) The committee shall
33 issue a license to an applicant who meets the requirements of

1 this Act and who pays to the committee the initial license fee.

2 (b) A temporary certificate of registration may be applied
3 for by a person who fulfills the requirements of Section 10 of
4 this Act and who has not previously applied to take the examination
5 provided under Section 12 of this Act.

6 (c) On receiving an application provided under Subsection
7 (b) of this section accompanied by the application fee, the
8 committee shall issue a temporary certificate of registration
9 which entitles the applicant to practice audiology or speech
10 pathology for a period ending eight weeks after the conclusion
11 of the next examination given after the date of issue.

12 Sec. 15. RENEWAL OF LICENSE. (a) Each licensed speech
13 pathologist or audiologist shall annually on or before January
14 30 pay to the committee a fee for a renewal of his license. A
15 30-day grace period shall be allowed after January 30. After
16 expiration of the grace period, the committee may renew each
17 license after payment of a penalty set by the committee. No
18 person who applies for renewal within two years after the date
19 of expiration of the license, may be required to submit to an
20 examination as a condition to renewal.

21 (b) A person who fails to renew his license within two
22 years after the date of its expiration may not renew it, and it
23 may not be restored, reissued, or reinstated thereafter, but that
24 person may apply for and obtain a new license if he meets the
25 requirements of this Act.

26 (c) Within three years of the effective date of this Act,
27 renewal of a license is contingent on the applicant meeting uniform
28 continuing education requirements established by the committee.
29 These continuing education requirements must be of such a nature
30 that they can be met without necessitating an extended absence
31 from the licensee's county of residence. Notice of continuing
32 education requirements shall be sent to all persons licensed under
33 this Act at least 12 months prior to the time that the person's

1 license renewal is dependent on completion of the requirements.

2 Continuing education requirements shall be sent to new applicants
3 with the forms on which they are to apply for licensure.

4 Notification of changes in continuing education requirements shall
5 be sent to persons licensed under this Act at least one year prior
6 to the date on which the new requirements become effective.

7 (d) A suspended license is subject to expiration and may
8 be renewed as provided in this Act, but the renewal does not
9 entitle the licensee, while the license remains suspended and
10 until it is reinstated, to engage in the licensed activity, or
11 in any other activity of conduct in violation of the order or
12 judgment by which the license was suspended. A license revoked
13 on disciplinary grounds is subject to expiration as provided in
14 this Act, but it may not be renewed. If it is reinstated after
15 its expiration, the licensee, as a condition of reinstatement,
16 shall pay a reinstatement fee in an amount equal to the renewal
17 fee in effect on the last preceding regular renewal date before
18 the date on which it is reinstated, plus the delinquency fee, if
19 any, accrued at the time of the license revocation.

20 (e) All licenses expire and become invalid one year from
21 the date of issuance if not renewed.

22 Sec. 16. FEES. The amount of fees initially prescribed
23 in connection with a license as a speech pathologist or audiologist
24 shall not exceed the following:

- 25 (1) Application fee: \$50
- 26 (2) Examination fee: \$25
- 27 (3) Initial license fee: \$50
- 28 (4) License renewal fee: \$50
- 29 (5) Delinquency fee: \$25
- 30 (6) Temporary license fee: \$15
- 31 (7) Duplicate license fee: \$10

32 The committee shall adjust the amount of the fees so that the
33 total fees collected will be sufficient to meet the expenses of

administering this Act and so that unnecessary surpluses in the fund provided for in Section 20 of this Act are avoided.

Sec. 17. DENIAL, SUSPENSION, AND REVOCATION. (a) The committee may refuse to issue a license to an applicant or may suspend or revoke the license of any licensee for any of the following causes:

(1) obtaining a license by means of fraud, misrepresentation, or concealment of material facts;

(2) selling, bartering, or offering to sell or barter a license or certificate of registration;

(3) unprofessional conduct that has endangered or is likely to endanger the health, welfare, or safety of the public, as defined by the rules established by the committee, or violation of the code of ethics adopted and published by the committee;

(4) violating any lawful order, rule, or regulation rendered or adopted by the committee; or

(5) violating any provisions of this Act.

(b) The committee shall deny an application for, or suspend or revoke, or impose probationary conditions on, a license as ordered by the committee in any decision made after hearing as provided in this Act. One year from the date of revocation of a license under this Act, application may be made to the committee for reinstatement. The committee shall have discretion to accept or reject an application for reinstatement and may require an examination for the reinstatement.

(c) A plea or verdict of guilty or a conviction following a plea of nolo contendere made to a charge of a felony or of an offense involving moral turpitude is deemed to be a conviction within the meaning of this Act. At the direction of the committee, the license may be suspended or revoked, or the committee may decline to issue a license when the time for appeal of the conviction has elapsed, or the judgment or conviction has been affirmed on appeal, or when an order granting probation is made

1 suspending the imposition of sentence irrespective of a subsequent
2 order allowing a person to withdraw his plea of guilty, or setting
3 aside the verdict of guilty, or dismissing the information or
4 indictment.

5 Sec. 18. PENALTIES. (a) A person who violates any of the
6 provisions of this Act is guilty of a misdemeanor and on conviction
7 may be punished by confinement in the county jail not exceeding
8 six months, or by a fine not exceeding \$1,000, or both.

9 (b) If a person other than a licensed speech pathologist
10 or audiologist has engaged in any act or practice which constitutes
11 an offense under this Act, a district court of any county, on
12 application of the committee, may issue an injunction or other
13 appropriate order restraining such conduct.

14 Sec. 19. PROCEDURES FOR DENIAL, REVOCATION, OR SUSPENSION
15 OF A LICENSE. (a) A person whose application for a license is
16 denied is entitled to a hearing before the committee if he submits
17 a written request to the committee.

18 (b) Proceedings for revocation or suspension of a license
19 shall be commenced by filing charges with the committee in writing
20 and under oath. The charges may be made by any person or persons.

21 (c) The chairman of the committee shall fix a time and
22 place for a hearing and shall cause a written copy of the charges
23 or reason for denial of a license, together with a notice of the
24 time and place fixed for the hearing, to be served on the applicant
25 requesting the hearing for the licensee against whom the charges
26 have been filed at least 20 days prior to the date set for the
27 hearing. Service of charges and notice of hearing may be given
28 by certified mail to the last known address of the licensee or
29 applicant.

30 (d) At the hearing the applicant or licensee has the right
31 to appear either personally or by counsel, or both, to produce
32 witnesses, to have subpoenas issued by the committee, and to
33 cross-examine opposing or adverse witnesses.

(e) The committee is not bound by strict rules of procedure or by the laws of evidence in the conduct of the proceedings but the determination shall be founded on sufficient legal evidence to sustain it.

(f) The committee shall determine the charges on their merits and enter an order in a permanent record setting forth the findings of fact and law and the action taken. A copy of the order of the committee shall be mailed to the applicant or licensee at his last known address by certified mail.

(g) An individual whose application for a license has been refused or whose license has been cancelled, revoked, or suspended by the committee may take an appeal, within 20 days after the order is entered, to any district court of Travis County or to any district court of the county of his residence.

(h) A case reviewed under the provisions of this section proceeds in the district court by trial de novo in the same manner as an appeal to the county court from the justice of the peace court.

(i) In all appeals prosecuted in any of the courts of this state pursuant to the provisions of this Act, such trials shall be de novo as that term is used and understood in appeals from justice of the peace courts to county courts. When such an appeal is filed and the court thereby acquires jurisdiction, all administrative or executive action taken prior thereto shall be null and void and of no force and effect, and the rights of the parties thereto shall be determined by the court upon a trial of the matters in controversy under rules governing the trial of other civil suits in the same manner and to the same extent as though the matter had been committed to the courts in the first instance and there had been no intervening administrative or executive action or decision. Under no circumstances shall the substantial evidence rule as interpreted and applied by the courts of Texas in other cases ever be used or applied to appeals

prosecuted under the provisions of this Act.

Sec. 20. DISPOSITION OF FUNDS RECEIVED. (a) All funds received by the committee under this Act shall be paid to the secretary-treasurer of the committee. All money shall be deposited in the state treasury in a separate fund to be known as the speech pathology and audiology fund.

(b) All expenses for the administration of the Act shall be paid from fees collected by the committee under this Act and fees paid to the speech pathology and audiology fund are allocated to the committee for that purpose.

(c) Funds shall be appropriated to the committee for the implementation of this Act, said funds coming from general state funds for the first year.

Sec. 21. REVENUE. The committee shall report to the state comptroller at the beginning of each month the amount and source of all revenue received by it during the preceding month, and at that time shall pay the entire amount thereof into the speech pathology and audiology fund.

Sec. 22. EXEMPTIONS FROM THE BASIC SCIENCE LAW. The provisions of Chapter 95, Acts of the 51st Legislature, Regular Session, 1949, as amended (Article 4590c, Vernon's Texas Civil Statutes), do not apply to audiologists or speech pathologists duly qualified and licensed under this Act who confine their activity to the areas specified in this Act.

Sec. 23. EFFECTIVE DATE. This Act is effective September 1, 1975.

Sec. 24. EMERGENCY. The importance of this legislation and the crowded condition of the calendars in both houses create an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days in each house be suspended, and this rule is hereby suspended.

L. DeWitt Hale

COMMITTEE REPORT

COMMITTEE ROOM

Austin, Texas, April 28, 1975

Hon. Bill Clayton, Speaker of the House of Representatives

Sir: We, your Committee on State Affairs, to whom was referred H.B. No. 382, have had the same under consideration and beg to report back with the recommendation that it do pass and be not printed. A committee substitute is recommended in lieu of the original measure. The measure was reported from committee by the following record vote: 9 yeas, 5 nays, 0 present not voting, 3 absent. This measure proposes new law.

D. R. Uher, Chairman

STATE AFFAIRS COMMITTEE

BILL ANALYSIS

Background Information:

This is new legislation relating to the licensing and regulation of speech pathologists and audiologists.

What the Bill Proposes to do:

This bill establishes a committee to oversee speech pathologists and audiologists.

Section by Section Analysis:

Section 1: The purpose of this bill is to provide a regulatory authority over persons offering speech pathology and audiology services to the public in order to protect the public from incompetent, unauthorized, or unscrupulous persons and from unprofessional conduct.

Section 2: Definitions

Section 3: This section creates a State Committee of Examiners for Speech Pathology and Audiology, consisting of nine members to be appointed by the governor: three members shall be audiologists; three speech pathologists; one either a speech pathologist or audiologist; and two shall be public members, one of whom is a licensed physician.

Section 4: The committee shall administer, coordinate, and enforce the provisions of this Act, evaluate the qualifications of applicants, supervise the examination of applicants, and investigate persons engaging in practices that violate the provisions of this Act subject to the approval of the Commission of Health.

Section 5: The committee members shall receive no compensation for their services, but shall be reimbursed for actual expenses incurred in the administration of this Act.

Section 6: The State Department of Health shall provide necessary administrative and clerical support.

Section 7: The committee shall adopt a seal by which it shall authenticate its proceedings.

Section 8: Licenses shall be granted in either speech pathology or audiology. A person may be licensed in both areas. Unlicensed persons shall be forbidden to practice or represent themselves as speech pathologists or audiologists. Licensed persons may engage in private practice

Section 9: This Act does not affect persons operating under any other license granted by this state. Other persons not restricted by this Act include: persons operating under the jurisdiction of the Texas Education Agency, students and interns pursuing an accredited and supervised course of study, college or university teachers, and physicians.

Section 10: This section establishes qualifications required of applicants for licenses.

Section 11: Persons desiring a license must apply to the committee. A non-refundable application fee must accompany the application.

Section 12: The committee shall examine applicants. Examinations shall be given at least twice each year. The committee shall determine the form of the examination and acceptable levels of performance.

Section 13: The committee may waive educational, professional experience, and examination requirements for certain applicants who are already engaged in the practice of speech pathology.

Section 14: The committee shall issue a license to any applicant who meets the requirements of this Act. The committee may also issue temporary certificates of registration.

Section 15: Each person licensed under this Act shall annually renew his license by paying a renewal fee. A person who fails to renew his license within two years after the date of its expiration may not renew it. Renewal of a license is contingent on the licensee meeting uniform continuing education requirements established by the committee.

Section 16: This section limits the amounts of fees which may be required. The committee shall adjust the amount of the fees so that the total fees collected will be sufficient to meet the expense of administering this Act.

Section 17: This section lists reasons for which the committee may refuse to issue a license or may suspend or revoke a license.

Section 18: This section provides criminal penalties for violators of this Act. A district court may issue orders restraining the conduct of persons violating this Act.

Section 19: This section prescribes the procedures for denial, revocation, and suspension of a license. All appeals shall be trial de novo.

Section 20: Funds received by the committee shall be deposited in a separate fund in the state treasury. Expenses for the administration of this Act shall be paid from the fees collected by the committee under this Act.

Section 21: The committee shall make monthly reports to the state comptroller.

Section 22: The provisions of the Basic Science Law do not apply to audiologists or speech pathologists licensed under this Act.

Section 23: This Act is effective September 1, 1975.

Section 24: This section declares an Emergency.

Summary of Committee Action:

The Committee posted notice in accordance with Rule VIII, Section 13, and considered H.B. No. 382 in a public hearing on February 19, 1975.

The measure was referred to subcommittee and reported back favorably with amendments on April 23, 1975.

The Committee voted, on April 25, 1975, by a record vote of 9 yeas and 5 nays, to report the measure back to the House favorably with amendments.

LEGISLATIVE BUDGET BOARD

Austin, Texas

FISCAL NOTE

February 17, 1975

Honorable D. R. "Tom" Uher, Chairman
Committee on State Affairs
House of Representatives
Austin, Texas

In Re: House Bill No. 382
By: Johnson

Sir:

In response to your request and pursuant to House Rule VIII, Section 27, this office finds the fiscal implications of House Bill No. 382 (relating to the licensing and regulation of speech pathologists and audiologists) to be as follows:

1. The bill makes no appropriation but authorizes Legislative appropriations to implement the provisions of the bill.
2. The bill would create a State Committee of Speech Pathology and Audiology and the Speech Pathology and Audiology Fund in the State Treasury. The bill would authorize the appropriation of the first year's costs from the General Fund; costs for subsequent years would be appropriated from the revenues flowing into the Speech Pathology and Audiology Fund, which would come from fees set by the State Committee not to exceed the following amounts:

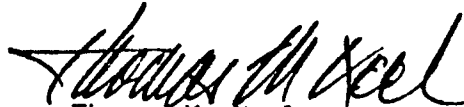
Application	\$50	Renewal	\$50
Examination	25	Delinquency	25
License	50	Duplicate	25

A minimum of 2,000 persons may be licensed under this Act.

3. The probable cost of implementing the provisions of the bill during each of the first five years following passage is estimated as follows:

<u>Fiscal</u> <u>Year</u>	
1976	\$69,490
1977	72,652
1978	75,000
1979	75,000
1980	75,000

4. Similar annual costs and revenues would continue as long as the provisions of the bill are in effect.


Thomas M. Keel
Director

COMMITTEE REPORT

THE HONORABLE BILL CLAYTON
SPEAKER OF THE HOUSE OF REPRESENTATIVES

Date

4/28/75

SIR:

We, your COMMITTEE ON

State Affairs

to whom was referred

HB 382

(measure)

have had the same under consideration and beg to report back with the recommendation that it

- () do ~~pass~~, without amendment.
- () do ~~pass~~, with amendment(s).
- (✓) do pass and be not printed; a committee substitute is recommended in lieu of the original measure.

The ~~Committee~~ recommends that this measure be placed on the (Local / Consent) Calendar.

This measure

(✓)
()

proposes new law.

~~amends existing law.~~

House Sponsor of Senate Measure:

The measure was reported from Committee by the following Record Vote:

<u>9</u>	ayes
<u>5</u>	nays
<u>0</u>	present, not voting
<u>2</u>	absent

D. R. Usher
Chairman

Return with Original Measure

STATE AFFAIRS COMMITTEE

BILL ANALYSIS

Background Information:

This is new legislation relating to the licensing and regulation of speech pathologists and audiologists.

What the Bill Proposes to do:

This bill establishes a committee to oversee speech pathologists and audiologists.

Section by Section Analysis:

Section 1: The purpose of this bill is to provide a regulatory authority over persons offering speech pathology and audiology services to the public in order to protect the public from incompetent, unauthorized, or unscrupulous persons and from unprofessional conduct.

Section 2: Definitions

Section 3: This section creates a State Committee of Examiners for Speech Pathology and Audiology, consisting of nine members to be appointed by the governor: three members shall be audiologists; three speech pathologists; one either a speech pathologist or audiologist; and two shall be public members, one of whom is a licensed physician.

Section 4: The committee shall administer, coordinate, and enforce the provisions of this Act, evaluate the qualifications of applicants, supervise the examination of applicants, and investigate persons engaging in practices that violate the provisions of this Act subject to the approval of the Commission of Health.

Section 5: The committee members shall receive no compensation for their services, but shall be reimbursed for actual expenses incurred in the administration of this Act.

Section 6: The State Department of Health shall provide necessary administrative and clerical support.

Section 7: The committee shall adopt a seal by which it shall authenticate its proceedings.

Section 8: Licenses shall be granted in either speech pathology or audiology. A person may be licensed in both areas. Unlicensed persons shall be forbidden to practice or represent themselves as speech pathologists or audiologists. Licensed persons may engage in private practice.

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Section 10: This section establishes qualifications required of applicants for licenses.

Section 11: Persons desiring a license must apply to the committee. A non-refundable application fee must accompany the application.

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Section 14: The committee shall issue a license to any applicant who meets the requirements of this Act. The committee may also issue temporary certificates of registration.

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Section 16: This section limits the amounts of fees which may be required. The committee shall adjust the amount of the fees so that the total fees collected will be sufficient to meet the expense of administering this Act.

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Section 18: This section provides criminal penalties for violators of this Act. A district court may issue orders restraining the conduct of persons violating this Act.

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Section 21: The committee shall make monthly reports to the state comptroller.

Section 22: The provisions of the Basic Science Law do not apply to audiologists or speech pathologists licensed under this Act.

Section 23: This Act is effective September 1, 1975.

Section 24: This section declares an Emergency.

Summary of Committee Action:

The Committee posted notice in accordance with Rule VIII, Section 13, and considered HB No. 382 in a (public hearing ~~formal meeting~~) on February 19, 1975.

The measure was referred to subcommittee and reported back favorably (with ~~without~~) amendments on April 23, 1975.

The Committee voted, on April 25, 1975, by a record vote of 9 ayes and 5 nays, to report the measure back to the House favorably (with ~~without~~) amendments.

LEGISLATIVE BUDGET BOARD

Austin, Texas

FISCAL NOTE

February 17, 1975

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Committee on State Affairs
House of Representatives
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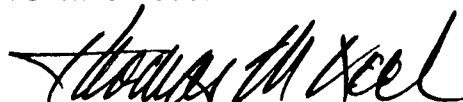
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4. Similar annual costs and revenues would continue as long as the provisions of the bill are in effect.


Thomas M. Keel
Director

Amend H. B. No. 382 by striking all below the enacting clause and substituting in lieu thereof the following:

Section 1. PURPOSE. It is the policy of this state that, in order to safeguard the public health, safety, and welfare, and to protect the public from unprofessional conduct by qualified speech pathologists and audiologists, it is necessary to provide regulatory authority over persons offering speech pathology and audiology services to the public.

Sec. 2. DEFINITIONS. In this Act:

(1) "Committee" means the State Committee of Examiners for Speech Pathology and Audiology.

(2) "Person" means an individual, corporation, partnership, or other legal entity.

(3) (A) "Speech Pathologist" means an individual who practices speech pathology, who evaluates, examines, counsels, or provides habilitative or rehabilitative services for persons who have or are suspected of having speech, voice, or language disorders, and who meets the qualifications set forth in this Act.

(B) A person "represents himself to be a speech pathologist" when he holds himself out to the public by a title or description of services incorporating the words "speech pathology," "speech pathologist," "speech therapy," "speech therapist," "speech correction," "speech correctionist," "speech and hearing therapy," "speech and hearing therapist," "speech and hearing specialist," "speech and hearing clinician," "language therapy," "language therapist," "voice pathology," "voice

1 pathologist," "voice therapy," "voice therapist," "logopedics,"
2 "logopedist," "communicology," "communicologist," "aphasiologist,"
3 "phoniatriest," "speech clinician," "speech clinic," "speech
4 center," or similar or related term or terms, titles, or
5 description of services.

6 (4) "The practice of speech pathology" means the
7 application of principles, methods, and procedures for the
8 measurement, testing, evaluation, prediction, counseling,
9 habilitation, rehabilitation, or instruction related to the
10 development and disorders of speech, voice, or language for the
11 purpose of rendering or offering to render an evaluation,
12 prevention, or modification of these disorders and conditions in
13 individuals or groups of individuals. The speech pathologist may
14 perform the basic audiometric screening tests and hearing therapy
15 procedures consistent with his training.

16 (5) (a) "Audiologist" means a person who practices
17 audiology, who evaluates, examines, counsels, or provides
18 habilitative or rehabilitative services for persons who have or
19 are suspected of having a hearing disorder, and who meets the
20 qualifications set forth in this Act.

21 (b) A person "represents himself to be an audiologist"
22 when he holds himself out to the public by any title or
23 description of services incorporating the terms "audiology,"
24 "audiologist," "audiometry," "audiometrist," "otometry,"
25 "otometrist," "hearing therapy," "hearing therapist," "hearing
26 clinician," "hearing clinic," "hearing center," "audiological,"
27 "audiometrics," or similar or related terms, titles, or

1 description of services.

2 (6) "The practice of audiology" means the application of
3 principles, methods, and procedures for the measurement, testing,
4 appraisal, prediction, consultation, counseling, habilitation,
5 rehabilitation, or instruction related to hearing and disorders of
6 hearing for the purpose of rendering or offering to render services,
7 modifying communicative disorders involving speech, language,
8 auditory function, or other aberrant behavior relating to hearing
9 loss. An audiologist may participate in consultation regarding
10 noise control and hearing conservation, may prepare ear
11 impressions, fit hearing aids, train individuals in the use of
12 amplification, including hearing aids, provide evaluations of
13 environment or equipment, including calibration of equipment used
14 in testing auditory functioning and hearing conservation, and may
15 perform the basic speech and language screening tests and
16 procedures consistent with his training.

17 (7) "Speech pathology aide" means a person who meets
18 minimum qualifications which the committee may establish for speech
19 pathology aides and who works under the direction of a licensed
20 speech pathologist. The qualifications for licensure as a speech
21 pathology aide shall be uniform and shall be less than those
22 established by this Act as necessary for licensure as a speech
23 pathologist.

24 (8) "Audiology aide" means a person who meets minimum
25 qualifications which the committee may establish for audiology
26 aides and who works under the direction of a licensed audiologist.
27 The qualifications for licensure as an audiology aide shall be

1 uniform and shall be less than those established by this Act as
2 necessary for licensure as an audiologist.

3 Sec. 3. ADMINISTRATION. (a) The State Committee of
4 Examiners for Speech Pathology and Audiology is created within
5 the State Department of Health. The committee consists of nine
6 members, appointed by the governor, to take office on the
7 effective date of this Act, who have been residents of the State
8 of Texas for two years immediately preceding appointment. Seven
9 members shall have been engaged in rendering services, teaching,
10 or research in speech pathology or audiology for at least five
11 years and shall meet the qualifications for licensure under
12 Section 10 of this Act. Of these seven members, three members
13 shall be audiologists, three members shall be speech
14 pathologists, and one shall be either a speech pathologist or
15 audiologist; and except for the initial appointees, all seven
16 shall hold valid licenses under this law. Two shall be public
17 members, one of whom is a licensed physician, board-certified in
18 otolaryngology, pediatrics, or neurology; the remaining public
19 member, an interested citizen, may not be a licensee of the
20 committee or of any board under this division. The members of
21 the committee shall serve until the expiration of the term to
22 which they have been appointed or until their successors are
23 qualified.

24 (b) The initial appointments shall be determined by lots
25 as follows: three members are appointed for a term which expires
26 January 31, 1977; three members are appointed for a term which
27 expires January 31, 1979, and three members are appointed for a

1 term which expires January 31, 1981. After the initial
2 appointments members are appointed for a term of six years,
3 expiring on January 31 of odd-numbered years.

4 (c) The committee shall organize annually and select a
5 chairman who, except for the initial chairman, shall hold a valid
6 license under this Act, a vice-chairman, and a secretary-treasurer.
7 The initial chairman shall be a person who meets the qualifications
8 for licensing under this Act.

9 (d) Five members of the committee constitute a quorum to
10 do business.

11 (e) No person may be appointed to serve more than two
12 consecutive terms.

13 (f) The committee shall hold at least one regular
14 meeting each year at which time an examination, as defined in
15 Section 12 of this Act, shall be offered. Additional meetings
16 may be held on the call of the chairman or at the written request
17 of any three members of the committee. At least 14 days of
18 advance notice of committee meetings is required.

19 Sec. 4. ^{Subject to the approval of the Commissioner of Health,} DUTIES AND POWERS. (a) ~~the~~ the committee shall
20 administer, coordinate, and enforce the provisions of this Act,
21 evaluate the qualifications of applicants, and supervise the
22 examination of applicants. The committee may issue subpoenas,
23 examine witnesses, and administer oaths under the state laws
24 of Texas; and it shall investigate persons engaging in practices
25 that violate the provisions of this Act.

26 (b) The committee shall conduct hearings and keep records
27 and minutes necessary to an orderly dispatch of the administration

1 of this Act.

2 (c) The committee shall adopt reasonable rules and
3 regulations commensurate with the provisions of this Act, including
4 regulations that establish ethical standards of practice.

5 (d) A person who holds a license to practice speech
6 pathology or audiology in this state is governed and controlled
7 by the rules and regulations adopted by the committee.

8 (e) The conferral or enumeration of specific powers
9 elsewhere in this Act does not limit the general powers conferred
10 by this section.

11 (f) The committee shall be represented by the attorney
12 general and the district and county attorneys of this state.

13 (g) Officers and employees directly responsible for
14 handling money paid to the committee shall execute a performance
15 bond as required by the committee. The premium for the bond shall
16 be paid from committee funds.

17 (h) The committee may appoint subcommittees to work under
18 its jurisdiction.

19 Sec. 5. COMPENSATION AND PAYMENT OF EXPENSES OF COMMITTEE.

20 (a) The committee members receive no compensation for their
21 services, but they may receive reimbursement for actual expenses
22 incurred in the administration of this Act.

23 (b) All expenses incurred by the committee in the
24 administration of the provisions of this Act shall be paid by
25 warrants drawn on the state treasury by the comptroller when
26 vouchers for expenses approved by the committee are submitted to
27 the comptroller.

1 **Sec. 6.** "EMPLOYEES OF THE COMMITTEE. The State Department of
Health shall provide such administrative and clerical support as is neces-
sary to carry out the provisions of this Act."

5 **Sec. 7. SEAL AND AUTHENTICATION OF RECORDS.** The committee
6 shall adopt a seal by which it shall authenticate its proceedings.
7 Copies of the proceedings, records, and acts of the committee, and
8 certificates purporting to relate the facts concerning the
9 proceedings, records, and acts, signed by the secretary and
10 authenticated by the seal, are prima facie evidence in all courts
11 of this state.

12 **Sec. 8. LICENSING AND REGULATION OF SPEECH PATHOLOGISTS**
13 **AND AUDIOLOGISTS.** (a) Licenses shall be granted either in speech
14 pathology or audiology independently. A person may be licensed
15 in both areas if he meets the qualifications.

16 (b) No person may practice or represent himself as a
17 speech pathologist or audiologist in this state after December 31,
18 1975, unless he is licensed in accordance with the provisions of
19 this Act. All persons licensed hereunder have the right to and may engage in

20 **Sec. 9. PERSONS AND PRACTICES NOT AFFECTED.** ^{private practice.} (a) This
21 Act does not prevent a qualified person licensed in this state
22 under another law, from engaging in the profession for which he
23 is licensed, if he does not hold himself out to be a speech
24 pathologist or audiologist.

25 (b) This Act does not prevent or restrict the activities
26 and services and the use of an official title by a person holding
27 a valid and current certification in speech and hearing therapy

28 from the Texas Education Agency, if the person performs speech pathology or audiology
services as a part of his duties within an agency, institution or organization under
the jurisdiction of the Texas Education Agency.

8 (c) This Act does not restrict the activities and services
9 of a student or intern pursuing a course of study leading to a
10 degree in speech pathology at a college or university accredited
11 by the Southern Association of Colleges and Universities or its
12 equivalent, provided that these activities and services constitute
13 a part of his supervised course of study or internship year, that
14 he is supervised by a person licensed under this Act, and that he
15 is designated by such title as "Speech Pathology Intern," "Speech
16 Pathology Trainee," or other title clearly indicating the training
17 status appropriate to his level of training.

18 (d) This Act does not restrict activities and services of
19 a student or intern in audiology pursuing a course of study
20 leading to a degree in audiology at a college or university
21 accredited by the Southern Association of Colleges and
22 Universities or its equivalent, provided that these activities
23 and services constitute a part of his supervised course of study
24 or internship year, that he is supervised by a person licensed
25 under this Act, and that he is designated by such title as
26 "Audiology Intern," "Audiology Trainee," or other title clearly
27 indicating the training status appropriate to his level of

1 training.

2 (e) This Act does not restrict the performance of speech
3 pathology or audiology services in this state by a person not a
4 resident of this state who is not licensed under this Act if the
5 services are performed for no more than five days in a calendar
6 year and if the person meets the qualifications and requirements
7 for application for licensure under this Act.

8 (f) This Act does not restrict the use of an official
9 title by an individual teaching in a university or college
10 training program, provided that the person is not engaged in the
11 practice of speech pathology or audiology and does not supervise
12 persons engaged in the practice of speech pathology or audiology.

13 (g) This Act does not permit a person to perform an act
14 that would be in violation of the Medical Practice Act of Texas,
15 Article 4510, Revised Civil Statutes of Texas, 1925, as amended.
16 This Act does not permit a person to provide medical or surgical
17 diagnosis or treatment of laryngeal or ear disorders.

18 (h) This Act does not prevent or restrict a physician or
19 surgeon from engaging in the practice of medicine in this state.
20 This Act does not restrict speech or hearing testing or evaluation
21 conducted by licensed physicians and surgeons or by persons
22 conducting the tests under the direct supervision of and in the
23 office of a physician or surgeon.

24 (i) This Act does not apply to a person employed by the
25 Texas State Department of Health in its programs concerned with
26 hearing or speech services, so long as he is performing duties
27 under the jurisdiction of the Texas State Department of Health.

1 (j) This Act does not apply to a person who shows evidence
2 of having received training by the Texas State Department of
3 Health in one of the hearing screening training programs conducted
4 by that agency, provided that all activities performed under this
5 exception shall be limited to screening of hearing sensitivity.

6 (k) This Act does not license a person to sell hearing
7 aids, as defined in Chapter 366, Acts of the 61st Legislature, 1969,
8 as amended (Article 4566, Vernon's Annotated Civil Statutes of
9 Texas) unless the person has been issued a license to engage in the
10 selling of hearing aids by the Texas Board of Examiners in the
11 Fitting and Dispensing of Hearing Aids."

12 (l) This Act does not prevent or restrict a person licensed
13 by the Texas Board of Examiners in the Fitting and Dispensing of
14 Hearing aids, from engaging in the practice of fitting and
15 dispensing hearing aids, as defined in Chapter 366, Acts of the 61st
16 Legislature, 1969, as amended (Article 4566, Vernon's Annotated
17 Civil Statutes of Texas)."

18 Sec. 10. QUALIFICATIONS OF APPLICANTS FOR LICENSE.

19 (a) To be eligible for licensing as a speech pathologist
20 or audiologist, an applicant must:

21 (1) be of good moral character;

22 (2) possess at least a master's degree from an accredited
23 or approved college or university;

24 (3) submit transcripts from one or more colleges or
25 universities showing that a total of 60 semester hours of academic
26 credit have been successfully completed and that the applicant
27 has obtained no less than the following:

1 (A) 12 semester hours in courses which provide information
2 that pertains to normal development and use of speech, language,
3 and hearing;

4 (B) 30 semester hours in courses that provide information
5 about and training in evaluation and management of speech,
6 language, and hearing disorders, at least 24 of which are in courses
7 in the professional area for which the license is requested, and at
8 least 6 semester hours in audiology for the license in speech
9 pathology or in speech pathology for the license in audiology, and
10 no more than 6 semester hours in courses that provide credit for
11 clinical practice obtained during academic training;

12 (C) credit for study of information pertaining to related
13 fields that augment the work of the clinical practitioner of
14 speech pathology or audiology sufficient to bring the applicant's
15 total credit up to 60 hours and
16

17 (D) 30 semester hours in courses that are acceptable
18 toward a graduate degree by the college or university in which
19 they are taken, 21 of which are within the 24 semester hours
20 required in the professional area for which the license is
21 requested or within the six semester hours required in the other
22 professional area regulated by this Act;

23 (4) have completed a minimum of 300 clock hours of
24 supervised clinical experience with individuals who present a
25 variety of communication disorders, and this experience must have
26 been obtained within his training institution or in one of its
27 cooperating programs;

1 (5) have obtained the equivalent to nine months of
2 full-time supervised professional experience in which bona fide
3 clinical work has been accomplished in the major professional
4 area for which the license is being sought, under the supervision
5 of a qualified person acceptable to the committee, and must have
6 begun after completion of the academic and clinical experiences
7 required by this section.

8 (b) The committee may make reasonable changes in the
9 qualifications required for applicants. A change made by the
10 committee pursuant to the authority of this subsection is not
11 effective until it has been published by the committee as a
12 proposed change for at least two years.

13 Sec. 11. APPLICATION FOR LICENSE. Each person desiring
14 a license under this Act shall make application to the committee
15 on a form and in the manner the committee prescribes. The
16 application shall be accompanied by the application fee, which
17 may not be refunded by the committee.

18 Sec. 12. EXAMINATION. (a) Each applicant shall be
19 examined by the committee and shall pay to the committee, at
20 least 30 days prior to the date of examination, an examination
21 fee prescribed by the committee, which is not refunded. The
22 examination shall be given at least twice each year at a time
23 and place established by and under the supervision of the
24 committee.

25
26 (b) The committee may examine by written or oral
27 examination or by both. The committee shall maintain a record of

1 all examination scores for at least two years after the date of
2 examination.

3 (c) Standards for acceptable performance shall be
4 determined by the committee.

5 (d) The committee may examine in whatever theoretical or
6 applied fields in speech pathology or audiology it deems
7 appropriate. It may examine the candidate with regard to his
8 professional skills and his judgment in the utilization of speech
9 pathology or audiology techniques or methods.

10 (e) A person who fails the examination may be examined at
11 a subsequent time if he pays another application and examination
12 fee. No applicant who has taken and failed to pass two examinations
13 may take the examination until that person has presented evidence
14 to the committee of additional study in the area for which
15 licensure is sought.

16 (f) The committee may waive the examination for applicants
17 who:

18 (1) present proof of current licensure in another state,
19 including the District of Columbia, or territory of the United
20 States which maintains professional standards considered by the
21 committee to be equivalent to those set forth in this Act; or

22 (2) hold the Certificate of Clinical Competence of the
23 American Speech and Hearing Association in the area for which a
24 license is being sought.

25 Sec. 13. LICENSING UNDER SPECIAL CONDITIONS. (a) The
26 committee, on request, shall waive educational, professional
27 experience, and examination requirements for licensure in speech

S. B. _____

1 pathology for applicants who hold a baccalaureate or graduate de-
2 gree, are fully certified by the Texas Education Agency in speech
3 and hearing therapy or in the judgment of the committee have met
4 equivalent requirements, and within one year prior to the effective
5 date of this Act were engaged in the practice of speech pathology
6 on proof of bona fide practice of speech pathology, presented to the
7 committee in the manner prescribed by the committee's regulations,
8 providing they file an application for licensure within 90 days from
9 the effective date of this Act. Such licenses shall be renewed in
10 the same manner as licenses granted under other provisions of this
11 Act.

12 (b) The committee, on request, shall waive educational,
13 professional experience, and examination requirements for licensure
14 in audiology for applicants who, on the effective date of this act,
15 hold a baccalaureate or graduate degree and have successfully com-
16 pleted 21 credit hours of coursework in audiology, and are engaged
17 in the practice of audiology on proof of bona fide practice of
18 audiology presented to the committee in the manner prescribed by the
19 committee's regulations, providing they file an application for
20 licensure within 90 days from the effective date of this Act.

21 (c) The committee may waive the examination and grant
22 licensure to an applicant who presents proof of current licensure in
23 another state, including the District of Columbia, or territory of
24 the United States which maintains professional standards considered
25 by the committee to be equivalent to those set forth in this Act.

26 (d) The committee may waive the examination and grant
27 sure to an applicant who holds the Certificate of Clinical

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1 Competence of the American Speech and Hearing Association or has
2 met equivalent requirements in the area for which a license is
3 sought.

4 Sec. 14. ISSUANCE OF LICENSE. (a) The committee shall
5 issue a license to an applicant who meets the requirements of this
6 Act and who pays to the committee the initial license fee.

7 (b) A temporary certificate of registration may be
8 applied for by a person who fulfills the requirements of Section 10
9 of this Act and who has not previously applied to take the examina-
10 tion provided under Section 12 of this Act.

11 (c) On receiving an application provided under Subsection
12 (b) of this section accompanied by the application fee, the
13 committee shall issue a temporary certificate of registration which
14 entitles the applicant to practice audiology or speech pathology
15 for a period ending eight weeks after the conclusion of the next
16 examination given after the date of issue.

17 Sec. 15. RENEWAL OF LICENSE. (a) Each licensed speech
18 pathologist or audiologist shall annually on or before January 30
19 pay to the committee a fee for a renewal of his license. A 30-day
20 grace period shall be allowed after January 30. After expiration
21 of the grace period, the committee may renew each license after
22 payment of a penalty set by the committee. No person who applies
23 for renewal within two years after the date of expiration of the
24 license, may be required to submit to an examination as a condition
25 to renewal.

26 (b) A person who fails to renew his license within two
27 years after the date of its expiration may not renew it, and it may

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1 not be restored, reissued, or reinstated thereafter, but that person
2 may apply for and obtain a new license if he meets the requirements
3 of this Act.

4 (c) Within three years of the effective date of this Act,
5 renewal of a license is contingent on the applicant meeting uniform
6 continuing education requirements established by the committee.
7 These continuing education requirements must be of such a nature
8 that they can be met without necessitating an extended absense from
9 the licensee's county of residence. Notice of continuing education
10 requirements shall be sent to all persons licensed under this Act
11 at least 12 months prior to the time that the person's license
12 renewal is dependent on completion of the requirements. Continuing
13 education requirements shall be sent to new applicants with the
14 forms on which they are to apply for licensure. Notification of
15 changes in continuing education requirements shall be sent to per-
16 sons licensed under this Act as least one year prior to the date on
17 which the new requirements become effective.

18 (d) A suspended license is subject to expiration and may
19 be renewed as provided in this Act, but the renewal does not entitle
20 the licensee, while the license remains suspended and until it is
21 reinstated, to engage in the licensed activity, or in any other
22 activity of conduct in violation of the order or judgment by which
23 the license was suspended. A license revoked on disciplinary
24 grounds is subject to expiration as provided in this Act, but it
25 may not be renewed. If it is reinstated after its expiration, the
26 licensee, as a condition of reinstatement, shall pay a reinstatement
27 fee in an amount equal to the renewal fee in effect on the last

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1 preceding regular renewal date before the date on which it is
2 reinstated, plus the delinquency fee, if any, accrued at the time
3 of the license revocation.

4 (e) All licenses expire and become invalid one year from
5 the date of issuance if not renewed.

6 Sec. 16. FEES. The amount of fees initially prescribed
7 in connection with a license as a speech pathologist or audiologist
8 shall not exceed the following:

- 9 (1) Application fee: \$50
- 10 (2) Examination fee: \$25
- 11 (3) Initial license fee: \$50
- 12 (4) License renewal fee: \$50
- 13 (5) Delinquency fee: \$25
- 14 (6) Temporary license fee: \$15
- 15 (7) Duplicate license fee: \$10

16 The committee shall adjust the amount of the fees so that the total
17 fees collected will be sufficient to meet the expenses of
18 administering this Act and so that unnecessary surpluses in the
19 fund provided for in Section 20 of this Act are avoided.

20 Sec. 17. DENIAL, SUSPENSION, AND REVOCATION. (a) The
21 committee may refuse to issue a license to an applicant or may
22 suspend or revoke the license of any licensee for any of the
23 following causes:

- 24 (1) obtaining a license by means of fraud,
25 misrepresentation, or concealment of material facts;
- 26 (2) selling, bartering, or offering to sell or barter a
27 license or certificate of registration;

(3) unprofessional conduct that has endangered or is likely to endanger the health, welfare, or safety of the public, as defined by the rules established by the committee, or violation of the code of ethics adopted and published by the committee;

(4) violating any lawful order, rule, or regulation rendered or adopted by the committee; or

(5) violating any provisions of this Act.

(b) The committee shall deny an application for, or suspend or revoke, or impose probationary conditions on, a license as ordered by the committee in any decision made after hearing as provided in this Act. One year from the date of revocation of a license under this Act, application may be made to the committee for reinstatement. The committee shall have discretion to accept or reject an application for reinstatement and may require an examination for the reinstatement.

(c) A plea or verdict of guilty or a conviction following a plea of nolo contendere made to a charge of a felony or of an offense involving moral turpitude is deemed to be a conviction within the meaning of this Act. At the direction of the committee, the license may be suspended or revoked, or the committee may decline to issue a license when the time for appeal of the conviction has elapsed, or the judgment or conviction has been affirmed on appeal, or when an order granting probation is made suspending the imposition of sentence irrespective of a subsequent order allowing a person to withdraw his plea of guilty, or setting aside the verdict of guilty, or dismissing the information or indictment.

Sec. 18. PENALTIES. (a) A person who violates any of

1 the provisions of this Act is guilty of a misdemeanor and on
2 conviction may be punished by confinement in the county jail not
3 exceeding six months, or by a fine not exceeding \$1,000, or both.

4 (b) If a person other than a licensed speech pathologist
5 or audiologist has engaged in any act or practice which constitutes
6 an offense under this Act, a district court of any county, on
7 application of the committee, may issue an injunction or other
8 appropriate order restraining such conduct.

9 Sec. 19. PROCEDURES FOR DENIAL, REVOCATION, OR SUSPENSION
10 OF A LICENSE. (a) A person whose application for a license is
11 denied is entitled to a hearing before the committee if he submits
12 a written request to the committee.

13 (b) Proceedings for revocation or suspension of a license
14 shall be commenced by filing charges with the committee in writing
15 and under oath. The charges may be made by any person or persons.

16 (c) The chairman of the committee shall fix a time and
17 place for a hearing and shall cause a written copy of the charges
18 or reason for denial of a license, together with a notice of the
19 time and place fixed for the hearing, to be served on the applicant
20 requesting the hearing for the licensee against whom the charges
21 have been filed at least 20 days prior to the date set for the
22 hearing. Service of charges and notice of hearing may be given by
23 certified mail to the last known address of the licensee or
24 applicant.

25 (d) At the hearing the applicant or licensee has the right
26 to appear either personally or by counsel, or both, to produce
27 witnesses, to have subpoenas issued by the committee, and to cross-

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1 examine opposing or adverse witnesses.

2 (e) The committee is not bound by strict rules of proce-
3 dure or by the laws of evidence in the conduct of the proceedings
4 but the determination shall be founded on sufficient legal evidence
5 to sustain it.

6 (f) The committee shall determine the charges on their
7 merits and enter an order in a permanent record setting forth the
8 findings of fact and law and the action taken. A copy of the
9 order of the committee shall be mailed to the applicant or licensee
10 at his last known address by certified mail.

11 (g) An individual whose application for a license has been
12 refused or whose license has been cancelled, revoked, or suspended
13 by the committee may take an appeal, within 20 days after the order
14 is entered, to any district court of Travis County or to any district
15 court of the county of his residence.

16 (h) A case reviewed under the provisions of this section
17 proceeds in the district court by trial de novo in the same manner as
an appeal to the county court from the justice of the peace court.

(i) In all appeals prosecuted in any
of the Courts of this State pursuant to the provisions of
this Act, such trials shall be de novo as that term is
used and understood in appeals from Justice of the Peace
Courts to County Courts. When such an appeal is filed and
the Court thereby acquires jurisdiction, all administrative
or executive action taken prior thereto shall be null and
void and of no force and effect, and the rights of the
parties thereto shall be determined by the Court upon a
trial of the matters in controversy under rules governing the
trial of other civil suits in the same manner and to the
same extent as though the matter had been committed to
the Courts in the first instance and there had been no
intervening administrative or executive action or decision.
Under no circumstances shall the substantial evidence
rule as interpreted and applied by the Courts of Texas
in other cases ever be used or applied to appeals
prosecuted under the provisions of this Act. /

Sec. 20. DISPOSITION OF FUNDS RECEIVED. (a) All funds received by the committee under this act shall be paid to the secretary-treasurer of the committee. All money shall be deposited in the state treasury in a separate fund to be known as the speech pathology and audiology fund.

(b) All expenses for the administration of the Act shall be paid from fees collected by the committee under this Act and fees paid to the speech pathology and audiology fund are allocated to the committee for that purpose.

(c) Funds shall be appropriated to the committee for the implementation of this Act, said funds coming from general state funds for the first year.

Sec. 21. REVENUE. The committee shall report to the state comptroller at the beginning of each month the amount and source of all revenue received by it during the preceeding month, and at that time shall pay the entire amount thereof into the speech pathology and audiology fund.

Sec. 22. EXEMPTIONS FROM THE BASIC SCIENCE LAW. The provisions for Chapter 95, Acts of the 51st Legislature, Regular Session, 1949, as amended (Article 4590c, Vernon's Texas Civil Statutes), do not apply to audiologists or speech pathologists duly qualified and licensed under this Act who confine their activity to the areas specified in this Act.

Sec. 23. EFFECTIVE DATE. This Act is effective September 1, 1975.

Sec. 24. EMERGENCY. The importance of this legislation and the crowded condition of the calendars in both houses create an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days in each house be suspended, and this rule is hereby suspended.

H.B. No.

382

By

Johnson

A BILL TO BE ENTITLED
AN ACT

relating to the licensing and regulation of speech pathologists and
audiologists; providing penalties; and declaring an emergency.

JAN 29 1975

JAN 30 1975

2/11/75

APR 29 1975

APR 29 1975

1. Filed with the Chief Clerk of the House.

2. Read first time and Referred to Committee on

State
Affairs

3. Fiscal note requested from Legislative Budget Board by

Don

4. Reported favorably (~~unfavorably~~) (as amended) and sent to Printer

11:10

P.

M.

5. Printed, distributed by Calendar Clerk and sent to Committee on

Calendar 8:15 P M.

6. Read second time (amended) and ordered engrossed by (Non-record
vote) (Record Vote of _____ yeas, _____ nays, _____ present and
not voting).

7. Motion to reconsider the vote by which H. B. _____ was ordered
engrossed and to table the motion to reconsider prevailed (failed) by
(Non-record vote) (Record Vote of _____ yeas, _____ nays, and
_____ present and not voting).

8. Constitutional Rule requiring bills to be read on three several days
suspended (failed to suspend) by a four-fifths vote of _____ yeas,
_____ nays, and _____ present and not voting.

9. Read third time (amended) and finally passed by following vote:
(Non-record vote) (Record Vote of _____ yeas, _____ nays,
_____ present and not voting).

10. Caption ordered amended to conform to body of bill.

11. Motion to reconsider and table the vote by which H.B. _____ was
finally passed prevailed (failed) by a (Non-record Vote) (Record Vote
of _____ yeas, _____ nays, and _____ present and not voting).

Chief Clerk of the House

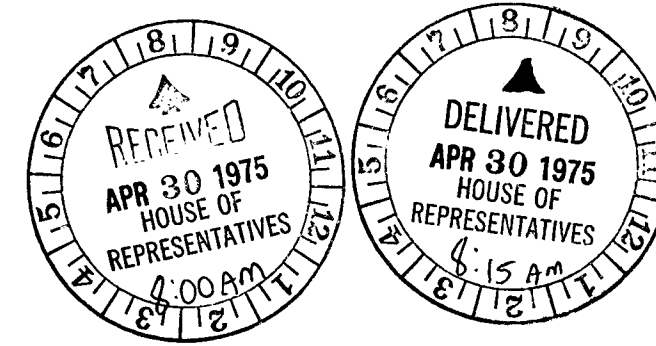
12. Sent to Engrossing Clerk

13. Engrossed.

Engrossing Clerk of the House

14. Returned to Calendar Clerk

15. Sent to Senate.



- _____ 16. Received from the House _____
- _____ 17. Read, referred to Committee on _____
- _____ 18. Reported favorably _____
- _____ 19. Reported adversely, with favorable Committee Substitute; Committee Substitute read first time.
- _____ 20. Ordered not printed.
- _____ 21. Regular order of business suspended by
(a viva voce vote.
(_____ yeas, _____ nays.
- _____ 22. To permit consideration, reading and passage, Senate and Constitutional Rules suspended by vote of _____ yeas, _____ nays.
- _____ 23. Read second time _____ passed to third reading by:
(a viva voce vote.
(_____ yeas, _____ nays.
- _____ 24. Caption ordered amended to conform to body of bill.
- _____ 25. Senate and Constitutional 3-Day Rules suspended by vote of _____ yeas, _____ nays to place bill on third reading and final passage.
- _____ 26. Read third time and passed by
(a viva voce vote.
(_____ yeas, _____ nays.

OTHER ACTION:

OTHER ACTION:

Secretary of the Senate

- _____ 27. Returned to the House.
- _____ 28. Received from the Senate (with amendments).